

متن العشماوية

في مذهب الإمام مالك عليه السلام

للإمام العلامة عبد الباري العشماوي الرفاعي رحمه الله تعالى

Al-`Ashmawiya Primer
On Purity, Prayer & Fasting
Imam `Abd Al-Bari Al-`Ashmawiy

AN INTRODUCTION TO THE FIQH OF PURITY, PRAYER & FASTING
ACCORDING TO THE SCHOOL OF IMAM MALIK IBN ANAS

Translated by Ramzy Ajem
2006 Draft Version 1.0



Praise be to God from God, as no other praise befits His transcendent majesty. And may His prayers be upon our master Muhammad, family and companions, as no other prayers befits his praiseworthy station.

The text before you is my translation of a classical primer in the Maliki School on purification, prayer and fasting by the great Imām and erudite scholar *`Abd al-Bāri ibn Ahmad b. Abd al-Ghani b. `Atīq ibn Shaykh Sa`īd b. Shaykh Hassan, Abu Naja al-`Ashmāwīy al-Qahiri al-Azhari al-Rifā`ī al-Maliki* who lived in the tenth century of the Hijri calendar.

This 2006 translation (version 1.0) of *al-Matn al-Ashmawīyya* is intended for use by registered students to study with a qualified instructor. Kindly do not copy these pages or upload its content to the internet.

I have added minor commentary to the English text when deemed necessary using two notable commentaries:

1. *Al-Jawahir al-Zakiyyah fi Halli Alfaz al-'Ashmawīyya; Imam Ibn Turki al-Maliki*, indicated by the letter “ T: ”
2. *Hahiyat al-Safti: Hashiyat Saniyyah wa Tahqiqat Bahiyyat 'ala al-Sharh al-Jawahir al-Zakiyyah fi Halli Alfaz al-'Ashmawīyya; Imam Yusuf b. Sa'id al-Safti al-Maliki al-Azhari*, indicated by the letter “ S: ”

May God have mercy on the author and commentators, accept their contributions, and benefit you by studying this text.

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In the Name of God the Merciful the Compassionate

The great Sheikh, Imām and erudite scholar `Abd al-Bārī al-`Ashmāwīyy al-Rifā`ī said: Some beloved friends asked me to compose an introduction on jurisprudence according to the school of Imam Malik ibn Anas, God be well pleased with him, and so I answered this request hopeful of divine recompense.

CHAPTER ONE: ON WHAT NULLIFIES ABLUTION

Know, God Exalted give you success, that the things which nullify ablution (wudū) are two categories: invalidators (ahdāth) and their causes (asbāb ahdāth).

INVALIDATORS (AHDĀTH)

As for the invalidators, they are five; three are from the front private part and they are:

- (1) pre-ejaculatory fluid (madhy);
- (2) post-urinal fluid (wady);
- (3) and urine;

and two are from the rear and they are:

- (4) excrement;
- (5) and intestinal gas.

CAUSES OF NULLIFICATION (ASBĀB AHDĀTH)

As for the causes of nullification, they are:

(1) sleep, and it is in four categories: long and deep, it nullifies ablution; short and deep, it also nullifies ablution; short and light, it does not nullify ablution; and long and light, from which ablution is recommended (mustahabb).

Among other causes which nullify ablution is the loss of intellect through:

- (2) insanity;
- (3) unconsciousness;
- (4) or intoxication.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

قَالَ الشَّيْخُ الْإِمَامُ الْعَالِمُ عَبْدُ الْبَارِيءِ الْعَشْمَاوِيُّ الرَّفَاعِيُّ رَحِمَهُ اللَّهُ تَعَالَى: سَأَلَنِي بَعْضُ الْأَصْدِقَاءِ أَنْ أَعْمَلَ مُقَدِّمَةً فِي الْفِقْهِ عَلَى مَذْهَبِ الْإِمَامِ مَالِكِ بْنِ أَنَسٍ رَضِيَ اللَّهُ عَنْهُ فَأَجَبْتُهُ إِلَى ذَلِكَ رَاجِعًا لِلتَّوَابِ.

بَابُ نَوَاقِضِ الْوُضُوءِ

إِعْلَمْ وَفَّقَكَ اللَّهُ تَعَالَى أَنَّ نَوَاقِضَ الْوُضُوءِ عَلَى قِسْمَيْنِ: أَحْدَاثٍ وَأَسْبَابٍ أَحْدَاثٍ.

فَأَمَّا الْأَحْدَاثُ فَخَمْسَةٌ:

ثَلَاثَةٌ مِنَ الْقُبْلِ وَهِيَ: الْمَذْيُ وَالْوَدْيُ وَالْبَوْلُ وَاثْنَانِ مِنَ الدُّبْرِ وَهُمَا: الْغَائِطُ وَالرَّيْحُ.

وَأَمَّا أَسْبَابُ الْأَحْدَاثِ:

فَالنَّوْمُ وَهُوَ عَلَى أَرْبَعَةِ أَقْسَامٍ: طَوِيلٌ ثَقِيلٌ يَنْقُضُ الْوُضُوءَ، قَصِيرٌ ثَقِيلٌ يَنْقُضُ الْوُضُوءَ أَيْضًا، قَصِيرٌ خَفِيفٌ لَا يَنْقُضُ الْوُضُوءَ، طَوِيلٌ خَفِيفٌ يُسْتَحَبُّ مِنْهُ الْوُضُوءُ.

وَمِنْ الْأَسْبَابِ الَّتِي تَنْقُضُ الْوُضُوءَ:

زَوَالُ الْعَقْلِ بِالْجُنُونِ وَالْإِعْمَاءِ وَالسُّكْرِ،

Ablution is also nullified by:

- (5) apostasy;
- (6) doubt about nullifying ablution;
- (7) or by contacting one's un-severed penis with the palm of the hand or inner surface of the fingers or their sides even if it be with an extra finger providing it has sensation;

- (8) and by touching (T: meaning physical contact with someone of the opposite sex who by normal standards evokes sexual interest) and it is in four categories:
 if one intends lust and experiences it, ablution is required;
 if one experiences it and did not intend it, ablution is required;
 if one intends it and does not experience it, ablution is required;
 and ablution is not required if one does not intend lust and does not experience it.

THINGS THAT DO NOT NULLIFY ABLUTION

Ablution is not nullified by touching one's rear, testicles or by touching the private parts of a child (S: meaning a child that does not evoke sexual interest even if lust is intended and experienced; this is if she is six years old not seven). Nor is it nullified by vomiting, eating camel meat, letting blood, or laughing in prayer. Nor is it nullified when a woman touches her vagina; though some have said that ablution is required if she inserts a part of the hand (S: and this opinion is weak).

And God knows best.

CHAPTER TWO: ON THE TYPES OF WATER WITH WHICH ABLUTION IS PERMITTED

Know, may God Exalted give you success, that water is two categories:

- (1) mixed;
- (2) and unmixed.

وَيَنْتَقِضُ الْوُضُوءُ بِالرَّدَّةِ،
وَبِالشَّوْكِ فِي الْحَدَثِ،
وَبِمَسِّ الذَّكَرِ الْمُتَّصِلِ بِبَاطِنِ الْكَفِّ أَوْ
بِبَاطِنِ الْأَصَابِعِ أَوْ بِجَنْبَيْهِمَا وَلَوْ بِاصْبَعٍ زَائِدٍ
إِنْ حَسَّ،
وَبِاللَّمْسِ وَهُوَ عَلَى أَرْبَعَةِ أَقْسَامٍ:
إِنْ قَصَدَ اللَّذَّةَ وَوَجَدَهَا فَعَلَيْهِ الْوُضُوءُ،
وَإِنْ وَجَدَهَا وَلَمْ يَقْصِدْهَا فَعَلَيْهِ الْوُضُوءُ،
وَإِنْ قَصَدَهَا وَلَمْ يَجِدْهَا فَعَلَيْهِ الْوُضُوءُ،
وَإِنْ لَمْ يَقْصِدِ اللَّذَّةَ وَلَمْ يَجِدْهَا فَلَا وَضُوءَ
عَلَيْهِ.

وَلَا يَنْتَقِضُ الْوُضُوءُ بِمَسِّ دُبُرٍ وَلَا أَنْثَيْنِ
وَلَا بِمَسِّ فَرْجٍ صَغِيرَةٍ وَلَا قَيٍّ وَلَا بِأَكْلِ
لَحْمٍ جَزُورٍ وَلَا حِجَامَةٍ وَلَا فَصْدٍ وَلَا
بِقَهْقَهَةٍ فِي صَلَاةٍ وَلَا بِمَسِّ امْرَأَةٍ فَرْجَهَا وَ
قِيلَ إِنْ أَلْطَفَتْ فَعَلَيْهَا الْوُضُوءُ.
وَاللَّهُ أَعْلَمُ.

بَابُ أَقْسَامِ الْمِيَاهِ الَّتِي يُجُوزُ مِنْهَا الْوُضُوءُ
إِعْلَمَ وَفَقَكَ اللَّهُ تَعَالَى أَنَّ الْمَاءَ عَلَى قِسْمَيْنِ:
مَخْلُوطٍ وَغَيْرِ مَخْلُوطٍ

PLAIN PURIFYING WATER

As for unmixed water, it is purifying (tuhūr) termed as *plain water* (al-mā' al-mutlaq). Making ablution with it is permitted whether it falls from the sky or comes forth from the earth.

As for mixed water, when one of its three characteristics —its colour, taste, or odor— changes through something, then it is categorized into two:

IMPURE WATER

On occasion it mixes with filth (najas) and changes because of it; such water is impure and ablution with it is not valid.

If, however, it does not change and both the water and filth was minimal then ablution with it is offensive (makrūh) according to the dominant position of the school (mashūr).

PURE WATER

And on occasion it mixes with a pure substance and changes because of it. If the pure substance was something possible to prevent, such as water mixed with saffron, roses, dough and so forth, then such water is pure in itself and no longer purifying. It may be used for conventional purposes such as cooking, making dough, drinking and so forth, but it cannot be used for ritual purposes; neither for ablution nor other things of this nature.

فَأَمَّا غَيْرُ الْمَخْلُوطِ فَهُوَ طَهُورٌ وَهُوَ:
الْمَاءُ الْمَطْلُوقُ يَجُوزُ مِنْهُ الْوُضُوءُ سَوَاءً نَزَلَ مِنَ
السَّمَاءِ أَوْ نَبَعَ مِنَ الْأَرْضِ.

وَأَمَّا الْمَخْلُوطُ إِذَا تَغَيَّرَ أَحَدُ أَوْ صَافِيهِ الثَّلَاثَةِ
لَوْنِهِ أَوْ طَعْمِهِ أَوْ رِيحِهِ بِشَيْءٍ فَهُوَ عَلَى
قِسْمَيْنِ.

تَارَةً يَخْتَلِطُ بِنَجَسٍ فَيَتَغَيَّرُ بِهِ فَاَلْمَاءُ نَجِسٌ لَا
يَصِحُّ مِنْهُ الْوُضُوءُ.

وَإِنْ لَمْ يَتَغَيَّرْ بِهِ فَإِنْ كَانَ الْمَاءُ قَلِيلًا وَ
النَّجَاسَةُ قَلِيلَةً كَرِهَ الْوُضُوءُ مِنْهُ عَلَى
الْمَشْهُورِ.

وَتَارَةً يَخْتَلِطُ بِطَاهِرٍ فَيَتَغَيَّرُ بِهِ فَإِنْ كَانَ
الطَّاهِرُ مِمَّا يُمَكِّنُ الْإِحْتِرَازَ مِنْهُ كَالْمَاءِ
الْمَخْلُوطِ بِالزَّعْفَرَانِ وَالْوَرْدِ وَالْعَجِينِ وَمَا
أَشْبَهَ ذَلِكَ. فَهَذَا الْمَاءُ طَاهِرٌ فِي نَفْسِهِ غَيْرُ
مُطَهَّرٍ لِغَيْرِهِ فَيُسْتَعْمَلُ فِي الْعَادَاتِ مِنْ طَبَخٍ
وَعَجْنٍ وَشُرْبٍ وَنَحْوِ ذَلِكَ وَلَا يُسْتَعْمَلُ
فِي الْعِبَادَاتِ لَا فِي الْوُضُوءِ وَلَا فِي غَيْرِهِ.

MIXED PURIFYING WATER

If, however, it (S: meaning the pure admixture) was something impossible to prevent, such as water that changes because of a salt marsh, mud, or water that runs over an arsenic or sulfuric origin etc., then this is all purifying and ablution with it is valid. And God knows best.

وَإِنْ كَانَ مِمَّا لَا يُمَكِّنُ الْإِحْتِرَازُ مِنْهُ كَالْمَاءِ
الْمُتَعَيَّرِ بِالسَّبَخَةِ أَوْ الْحَمَاءِ أَوْ الْجَارِي عَلَى
مَعْدِنِ زَرْنِخٍ أَوْ كِيرِيَّتٍ أَوْ نَحْوِ ذَلِكَ فَهَذَا
كُلُّهُ طَهُورٌ يَصِحُّ مِنْهُ الْوُضُوءُ.
وَاللَّهُ أَعْلَمُ.

CHAPTER THREE: ON ABLUTION (WUDU) ITS INTEGRALS, SUNNAS & MERITORIOUS ELEMENTS

بَابُ فَرَائِضِ الْوُضُوءِ وَ سُنَنِهِ وَ فَضَائِلِهِ

INTEGRALS OF ABLUTION

As for the integrals of ablution, they are seven:

- (a) the intention whilst washing the face;
- (b) washing the face;
- (c) washing the hands to the elbows (S: including the elbows);
- (d) wiping the entire head (S: with renewed water... women may follow the school of Shafi`i in wiping only a part of her head whilst praying according to her own school);
- (e) washing the feet to the anklebones (S: including the anklebones);
- (f) continuity;
- (g) and rubbing.

These are seven, but it is also obligatory for one to massage the hair of one's beard when washing the face if the hair of the beard is thin allowing the skin beneath it to show. And if it is thick, it is not obligatory for one to massage it (S: doing so is offensive). It is also obligatory for one to interlace the fingers when washing one's hands according to the dominant position of the school.

فَأَمَّا فَرَائِضُ الْوُضُوءِ فَسَبْعَةٌ:
النِّيَّةُ عِنْدَ غَسْلِ الْوَجْهِ وَ غَسْلُ الْوَجْهِ
وَ غَسْلُ الْيَدَيْنِ إِلَى الْمِرْفَقَيْنِ وَ مَسْحُ جَمِيعِ
الرَّأْسِ وَ غَسْلُ الرَّجْلَيْنِ إِلَى الْكَعْبَيْنِ
وَ الْفَوْرُ وَ التَّدْلِيكُ

فَهَذِهِ سَبْعَةٌ لَكِنْ يَجِبُ عَلَيْكَ فِي غَسْلِ
وَجْهِكَ أَنْ تُخَلِّلَ شَعَرَ لِحْيَتِكَ إِنْ كَانَ شَعْرُ
اللَّحْيَةِ خَفِيفًا تَظْهَرُ الْبَشَرَةُ تَحْتَهُ وَإِنْ كَانَ
كَثِيفًا فَلَا يَجِبُ عَلَيْكَ تَخْلِيلُهَا وَ كَذَلِكَ يَجِبُ
عَلَيْكَ فِي غَسْلِ يَدَيْكَ أَنْ تُخَلِّلَ أَصَابِعَكَ عَلَى
الْمَشْهُورِ.

SUNNAS OF ABLUTION

As for the sunnas of ablution, they are eight:

- (1) washing firstly the hands to the wrists;
- (2) rinsing the mouth;
- (3) inhaling water —which is to snuff water up the nose;
- (4) expelling it back out of the nose;
- (5) re-wiping the head;
- (6) wiping the ears inside and out;
- (7) renewing the water to wipe them;
- (8) and the order of the integrals.

وَأَمَّا سُنَنُ الْوُضُوءِ فَثَمَانِيَةٌ:

غَسَلَ الْيَدَيْنِ أَوَّلًا إِلَى الْكُوعَيْنِ وَالْمَضْمَضَةُ
وَالِاسْتِنْشَاقُ وَالِاسْتِثْنَارُ وَهُوَ جَذْبُ الْمَاءِ
مِنَ الْأَنْفِ وَرَدُّ مَسْحِ الرَّأْسِ وَمَسْحُ
الْأُذُنَيْنِ ظَاهِرَهُمَا وَبَاطِنَهُمَا وَتَجْدِيدُ الْمَاءِ هُمَا
وَتَرْتِيبُ فَرَائِضِهِ.

MERITORIOUS ELEMENTS OF ABLUTION

As for the meritorious elements (fadā'il), they are seven (S: Actually they are seventeen [see commentary]):

- (1) saying, "In the name of Allah";
- (2) a pure place;
- (3) minimizing the use of water without specification (S: it is enough that one believes it more than probable that water has reached);
- (4) placing the vessel to the right of one if it is open wide;
- (5) washing the second and third time when one completed it the first time;
- (6) to begin with the front of the head;
- (7) and brushing the teeth.

And God knows best.

وَأَمَّا فَضَائِلُهُ فَسَبْعَةٌ:

التَّسْمِيَةُ وَالْمَوْضِعُ الطَّاهِرُ وَقِلَّةُ الْمَاءِ بِلا حَدٍّ
وَوَضْعُ الْإِنَاءِ عَلَى الْيَمِينِ إِنْ كَانَ مَفْتُوحًا
وَالْغَسْلَةُ الثَّانِيَّةُ وَالثَّالِثَةُ إِذَا أَوْعَبَ بِالْأُولَى
وَالْبَدءُ بِمَقْدَمِ الرَّأْسِ وَالسُّوَالُكُ.
وَاللَّهُ أَعْلَمُ

CHAPTER FOUR : ON THE PURIFICATORY BATH, ITS INTEGRALS, SUNNAS & MERITORIOUS ELEMENTS

باب فرائض الغسل و سنته و فضائله

INTEGRALS OF THE PURIFICATORY BATH (AL-GHUSL)

فأما فرائضه فخمسة:

As for its integrals, they are five:

- (a) the intention;
- (b) water reaching the entire body;
- (c) rubbing the entire body;
- (d) continuity;
- (e) and running the fingers through the hair (S: meaning all hair on one's body even if it is thick).

النية و تعميم الجسد بالماء و ذلك جميع الجسد
و الفور و تحليل الشعر.

و أما سنته فأربعة:

SUNNAS OF THE PURIFICATORY BATH

غسل يديه أولاً إلى كوعيه و المضمضة و
الاستنشاق و مسح صمخ الأذنين.

As for its sunnas, they are four:

- (1) washing first the hands to the wrists;
- (2) rinsing the mouth;
- (3) snuffing water up the nose;
- (4) and wiping the canal of the ears.

و أما فضائله فستة:

MERITORIOUS ELEMENTS OF THE PURIFICATORY BATH

As for its meritorious elements, they are six:

- (1) to begin by removing filth from one's body;
 - (2) then to complete washing the limbs of ablution;
 - (3) washing the higher parts of the body before the lower;
 - (4) washing the head three times;
 - (5) to begin with the right side before the left;
 - (6) and to minimize the use of water whilst perfecting the wash.
- And God knows best.

البدء بإزالة الأذى عن جسده ثم إكمال أعضاء
وضوئه و غسل الأعالي قبل الأسافل و
تثليث الرأس بالغسل و البدء بالميامن من
قبل المياسر و قلة الماء مع إحكام الغسل. الله
أعلم.

CHAPTER FIVE : ON THE DRY ABLUTION (TAYAMMUM)

باب التيمم

The dry ablution (tayammum) has integrals, sunnas and meritorious elements.

و للتيمم فرائض و سنن و فضائل

فأما فرائضه فأربعة:

INTEGRALS OF THE DRY ABLUTION

As for its integrals, they are four:

(a) the intention, which is to intend the *allowance* of ritual prayer since the dry ablution does not lift the state of ritual impurity according to the dominant position of the school;

(b) to wipe covering the entirety of one's face and hands to the wrists;

(c) the first strike (S: meaning placing the hands on the earth);

(d) pure earth (sa'īd tāhir), and it includes whatever is naturally part of the earth's surface such as clay, sand, rock, salt marsh and so forth.

النية وهي أن ينوي استباحة الصلاة لأن التيمم لا يرفع الحدث على المشهور وتعميم وجهه و يديه إلى كوعيه والضربة الأولى والصعيد الطاهر وهو كل ما صعد على وجه الأرض من تراب أو رمل أو حجارة أو سبخة أو نحو ذلك.

SUNNAS OF THE DRY ABLUTION

As for its sunnas, they are three:

- (1) the order of wiping;
- (2) wiping from the wrists to the elbows;
- (3) and renewing the strike for the hands.

و أما سننه فتلاثة: ترتيب المسح و المسح من الكوع إلى المرفق و تجديد الضربة لليدين،

MERITORIOUS ELEMENTS OF THE DRY ABLUTION

As for its meritorious elements, they are also three:

- (1) saying, "*bismiLlah*" (In the Name of God);
 - (2) to begin wiping the outer right limb with the left hand to the elbow then the inner part to the fingers;
 - (3) and to wipe the left the same way.
- And God knows best.

و أما فضائله فتلاثة أيضا: التسمية و البدء بمسح ظاهر اليمنى باليسرى إلى المرفق ثم بالباطن إلى آخر الأصابع و مسح اليسرى مثل ذلك.

CHAPTER SIX: ON THE CONDITIONS OF RITUAL PRAYER

The ritual prayer (salat) has conditions of obligation and conditions for validity.

باب شروط الصلاة

WHO MUST PRAY

As for the conditions of its obligation, they are five:

- (a) Islam;
- (b) pubescence;
- (c) sanity;
- (d) the commencement of the prayer time;
- (e) and having received the message of the Prophet (Allah bless him and give him peace).

و للصلاة شروط وجوب و شروط صحة فأما شروط وجوبها فخمسة: الإسلام و البلوغ و العقل و دخول الوقت و بلوغ دعوة النبي صلى الله عليه و سلم.

CONDITIONS FOR THE PRAYERS VALIDITY

و أما شروط صحتها فستة:

As for the conditions for its validity, they are six:

(a) purity from *hadath* (S: meaning minor and major ritual impurity);

طهارة الحدث و طهارة الخبث و استقبال

(b) purity from *khathath* (meaning physical impurity);

القبلة و ستر العورة و ترك الكلام و ترك

(c) facing the direction of prayer (Qibla);

الأفعال الكثيرة

(d) clothing nakedness;

(e) omission of extraneous speech;

(f) and omission of much extraneous motion.

والله أعلم.

And God knows best.

CHAPTER SEVEN: ON THE INTEGRALS OF RITUAL PRAYER (SALAT), ITS SUNNA, MERITORIOUS & OFFENSIVE ELEMENTS

باب فرائض الصلاة وسننها وفضائلها ومكروها

INTEGRALS OF THE RITUAL PRAYER

As for the integrals of ritual prayer (salat), they are thirteen:

- (a) the intention;
- (b) the sacramental opening *takbīr* (to say: “*Allahu akbar*”);
- (c) standing for it;
- (d) reciting the Fātiha;
- (e) standing for it;
- (f) bowing;
- (g) rising from it;
- (h) prostrating;
- (i) rising from it;
- (j) to sit for the last sitting the length of the Salam (*As-salāmu-alaykum*);
- (k) the Salam with the definite article *alif* and *lām*;
- (l) repose (*al-tuma'nīna*, S: meaning the setting and stillness of the limbs momentarily. T: This is obligatory for one to do in the bowing and in the remaining integrals);
- (m) and straightening up (*al-'itidāl*, T: in the break between the integrals)

فأما فرائض الصلاة فثلاثة عشر:

النية و تكبيرة الإحرام و القيام لها و قراءة الفاتحة و القيام لها و الركوع و الرفع منه و السجود و الرفع منه و الجلوس من الجلسة الأخيرة بقدر السلام و السلام المعروف بالألف و اللام و الطمأنينة و الاعتدال.

SUNNAS OF THE RITUAL PRAYER

و أما سنن الصلاة فاثنا عشر:

As for the sunnas of ritual prayer, they are twelve (S: Actually, they are eighteen, the remaining are: being audible in the closing Salam; listening to the imam when his recitation is audible; extra repose; the first Testification of Faith (Tashahhud); the second Tashahhud; and the salutations upon the Prophet in the last Tashahhud):

- (1) the sūra after the Fātiha in the first raka;
- (2) the sūra after the Fātiha in the second rak'a;
- (3) standing for it;
- (4) reciting to oneself wherein recitation is silent;
- (5) reciting aloud wherein recitation is audible;
- (6) each *takbīr* —which is a sunna excluding the opening *takbīr*, for it is obligatory as was mention before;

السورة بعد الفاتحة في الركعة الأولى و الثانية و القيام لها و السر فيها يسر فيه و الجهر فيها يهجر فيهو كل تكبيرة سنة إلا تكبيرة الإحرام فإنها فرض كما تقدم

(7) for the imam and one praying alone to say ‘*sami`a-llāhu li-man hamidah*’;

(8) the first sitting;

(9) to sit in the second sitting a length longer than what it takes to say Salam;

(10) for the follower to return the Salam to the imam;

(11) returning the Salam towards one’s left if someone be there;

(12) placing a barrier in front of the imam and also in front of one praying alone when there is concern that someone may pass in front of them.

MERITORIOUS ELEMENTS OF THE RITUAL PRAYER

As for the meritorious elements of the ritual prayer, they are ten (S: In fact, there are over thirty):

(1) raising the hands with the opening takbīr;

(2) lengthening the recitation for the *dawn* (subh) and the *noon prayers* (dhur);

(3) shortening the recitation for the *mid-afternoon* (‘asr) and *sunset* (maghrib) prayers;

(4) making the recitation for the *nightfall prayer* (‘isha) medium length;

(5) for one being lead in prayer or one praying alone to say ‘*rabbanā wa lakal-hamd*’;

(6) exalting God in the bowing and in the prostration (S: it is superior to say “*subhāna rabī al-adhīm*” in the bowing and “*subhāna rabī al-a‘alā*” in the prostration);

(7) for one who is praying alone or being lead to say “*āmīn*” in all circumstances (S: meaning, in the audible and silent prayers);

(8) for the imam to say “*āmīn*” in the silent prayer only;

(9) and the *qunūt* supplication which is to say:

“*Allahumma innā nasta`īnuka wa nastaghfiruka wa nu`minubika wa natawakkalu `alayka wa nuthnī `alaykal-khayra kulla(hu), nashkuruka wa lā nakfuruk(a), wa nakhnu lak(a), wa nakhlā`u wa natruku man yakfuruk(a), Allahumma iyyāka na`budu wa laka nu salli wa nasjud(u), wa ilaika nas`ā wa nahfid(u), narjū rahmatak(a), wa na khāfu `adhābakal-jadd(a), inna `adhābaka bil-kāfirīna mulhiq* “

و سَمِعَ اللهُ لِمَنْ حَمِدَهُ لِلْإِمَامِ وَالْمُفْرِدِ

الْجُلُوسِ الْأَوَّلِ وَالزَّائِدِ عَلَى قَدْرِ السَّلَامِ مِنَ

الْجُلُوسِ الثَّانِي وَرَدَ الْمُقْتَدِي إِمَامَهُ السَّلَامَ، وَ

كَذَلِكَ رَدَّهُ عَلَى مَنْ عَلَى يَسَارِهِ إِنْ كَانَ عَلَى

يَسَارِهِ أَحَدٌ وَالسُّتْرَةَ لِلْإِمَامِ وَالْفَذَّ إِنْ خَشِيَ

أَنْ يَمُرَّ أَحَدٌ بَيْنَ يَدَيْهِمَا.

وَأَمَّا فَضَائِلُ الصَّلَاةِ عَشْرَةٌ:

رَفْعُ الْيَدَيْنِ عِنْدَ تَكْبِيرَةِ الْإِحْرَامِ وَتَطْوِيلُ

قِرَاءَةِ الصُّبْحِ وَالظُّهْرِ وَتَقْصِيرُ قِرَاءَةِ الْعَصْرِ

وَالْمَغْرِبِ وَتَوْسُطُ الْعِشَاءِ وَقَوْلُ رَبَّنَا وَلَكَ

الْحَمْدُ لِلْمُقْتَدِي وَالْفَذُّ وَالتَّسْبِيحُ فِي

الرُّكُوعِ وَالسُّجُودِ وَتَأْمِينُ الْفَذِّ وَالْمَأْمُومِ

مُطْلَقًا وَتَأْمِينُ الْإِمَامِ فِي السِّرِّ فَقَطْ وَ

الْقُنُوتِ، وَهُوَ:

اللَّهُمَّ إِنَّا نَسْتَغْفِرُكَ وَنَسْتَغْفِرُكَ وَنُؤْمِنُ بِكَ

وَنَتَوَكَّلُ عَلَيْكَ وَنُثْنِي عَلَيْكَ الْخَيْرَ كُلَّهُ

نَشْكُرُكَ وَلا نَكْفُرُكَ وَنَخْنَعُ لَكَ وَنَخْلَعُ وَ

نَتْرَكَ مَنْ يَكْفُرُكَ اللَّهُمَّ إِيَّاكَ نَعْبُدُ وَلَكَ نَصْلِي

وَنَسْجُدُ وَإِلَيْكَ نَسْعَى وَنَحْفِدُ نَرْجُو

رَحْمَتَكَ، وَنَخَافُ عَذَابَكَ الْجَدِّ إِنْ عَذَابَكَ

بِالْكَافِرِينَ مُلْحَقٌ،

The *qunūt* is exclusively performed in the *subh* prayer before the bowing (of the last raka') and is inaudible;

(10) The Testification of Faith (*Tashahhud*) is a *sunna* (S: The reliable position is that the *Tashahhud* in whatever way it is said is a *sunna* as is sitting for it. But as for the specific known utterance, it is recommended.) whose utterance is:

“*Atta hiyyātu Lillāhi, azzā-kiyyātu Lillāhi, attayyibātus-salawātu Lillāhi, assalāmu alaika ayyuhan-nabiyyu wa rahmatul-Llāhi barakātu(hu), assalāmu `alaynā wa `alā `ibādil-Llāhis-sālihīn, ash-hadu an lā ilā ha illal-Lāhu wahdahu lā sharīka la(hu), wa ash hadu anna Muhammadan `abduhu wa rasūluhu.*”

If one gave the *salām* after this it would be valid though if he desires he may add:

“*Wa ash hadu annal-ladhī jā'a bihi Muhammadun haq, wa annal-jannata haq, wa annan-nāra haq, wa annas-sirāta haq, wa annas-sā`ata ātiyatun lā rayba fī hā, wa annal-Llāha yab`athu man fil-qubūr.*

Allāhumma salli `alā Muhammadin wa `alā āli Muhammadin, war-ham Muhammadan wa āla Muhammaddin, wa bārik `alā Muhammadin wa `ala āli Muhammadin kama salayta wa rahimta wa bārakta `ala Ibrāhīm wa `alā āli Ibrāhīma fil-`ālamīna innaka hamīdun majīd.

Allahumma salli `ala malā ikatika wal-muqarabīn wa `alā anbiyā ika wal-mursalīn wa `ala ahli tā`atika ajma`īn, Allahumma-ghfirli wa li-wālidayya wa li a'immatinā wa li man sabaqanā bil-īmān maghfirtan `azman.

و القنوت لا يكون إلا في الصبح خاصة، و

يكون قبل الركوع وهو سر

و التشهد سنة و لفظه:

التحيات لله الزاكيات لله الطيبات الصلوات

لله السلام عليك أيها النبي ورحمة الله و

بركاته، السلام علينا و على عباد الله

الصالحين، أشهد أن لا إله إلا الله وحده، لا

شريك له، و أشهد أن محمدا عبده و رسوله.

فإن سلمت بعد هذا أجزأك و إن شئت قلت:

و أشهد أن الذي جاء به محمد حق، و أن الجنة

حق و أن النار حق، و أن الصراط حق و أن

الساعة آتية لا ريب فيها و أن الله يبعث من في

القبور

اللهم صل على محمد، و على آل محمد، و ارحم

محمدا و آل محمد و بارك على محمد، و على آل

محمد، كما صليت و رحمت و باركت على آل

إبراهيم و على إبراهيم في العالمين إنك حميد

مجيد، اللهم صل على ملائكتك و المقربين، و

على أنبيائك و المرسلين و على أهل طاعتك

أجمعين، اللهم اغفر لي و لوالدي و لأئمتنا و لمن

سبقنا بالإيمان مغفرة عزما،

Allahumma inni as'aluka min kulli khairin sa alaka minhu Muhammadun nabiyyuka ﷺ, wa a'udhubika min kulli sharrin ist'adhaka minhu Muhammadun nabiyyuka ﷺ.

اللهم إني أسألك من كل خير سألك منه محمد نبيك صلى الله عليه وسلم وأعوذ بك من كل شر استعاذك منه محمد نبيك صلى الله عليه وسلم

Allahumma-ghfirlanā mā qdamnā wa mā akharnā wa mā asrarnā wa mā 'a'lannā wa mā a'alamu bihi minnā, rabbanā ātinā fid-dunyā hasanatan wa fil āakhirati hasanatan qinā 'adhāban-nār, wa a'udhubika min fitnatil-mahyā wal-mamāti wa min fitnatil-qabri wa min fitnatil-masīhid-dajjāl wa min 'adhābin-nār wa sū'il-masīr."

اللهم اغفر لنا ما قدمنا، وما أخرنا، وما أسررنا وما أعلننا وما أنت أعلم به منا ربنا آتنا في الدنيا حسنة، وفي الآخرة حسنة وقنا عذاب النار وأعوذ بك من فتنة المحيا والممات، ومن فتنة القبر ومن فتنة المسيح الدجال ومن عذاب النار وسوء المصير.

THINGS OFFENSIVE IN THE RITUAL PRAYER

و أما مكروهات الصلاة:

فالدعاء بعد الإحرام وقبل القراءة والدعاء

As for the offensive elements in ritual prayer, they are:
(1) supplicating after the opening takbīr and before the recitation;

في أثناء الفاتحة، وأثناء السورة والدعاء في

(2) supplicating during the Fātiha or during the sura;

الركوع والدعاء بعد التشهد الأول والدعاء

(3) supplicating in the bowing position;

بعد سلام الإمام والسجود على الثياب و

(4) supplicating after the first Tashahhud;

البسط وشبههما مما فيه رفاهية بخلاف

(5) supplicating after the imam's Salam;

الخصير فإنه لا يكره السجود عليها، ولكن

(6) prostrating on one's clothing or a carpet (S: unless it is endowed Mosque property) and the like of which is lavish,

تركها أولى والسجود على الأرض أفضل و

though not something like a straw mat —prostration on it is not offensive though leaving it is superior and prostrating on the ground is even better;

من المكروه السجود على كور عمامته أو

(7) prostrating on the fold of one's turban, sleeve or garment;

طرف كمة أو رداؤه والقراءة في الركوع و

(8) reciting (Quran) while bowing or prostrating;

السجود والدعاء بالعجمية للقادر على

(9) supplicating in a non-Arabic language for one who is capable of Arabic;

العربية

- (10) glancing about in the prayer;
- (11) interlacing the fingers or cracking them;
- (12) placing the hands on one's hips ;
- (13) sitting in *iq`ā'* position (with one's rear on the heels whilst one's feet are raised off the ground by the toes);
- (14) closing one's eyes (S: unless looking at something unlawful is feared, in which case doing so is obligatory);
- (15) placing one's foot over the other (S: also keeping the feet together and placing the hands on one's chest in the obligatory prayer unless one intends a sunna or unless he has no particular intention and it is not a means of reliance to keep his posture. But in the supererogatory prayer it is permitted even if the purpose of it is reliance);
- (16) thinking about a worldly matter;
- (17) holding something inside one's sleeve or mouth;
- (18) playing with one's beard;
- (19) and in the dominant position of the school, saying the *basmallah* and the *ta`awudh*. They are offensive in obligatory prayers but not in the supererogatory. According to one report from Malik it is permissible and from ibn Maslama it is recommended, and from ibn Nāf i it is obligatory.

If one does something from among the offensive matters in the prayer, it is offensive and his prayer is not invalidated.
And God knows best.

CHAPTER EIGHT: ON THE RECOMMENDED PRAYERS

It is recommended for the legally responsible person to offer supererogatory prayers:

- (1) before and after the noon prayer (dhur);
- (2) before the midafternoon prayer (`asr);
- (3) after the sunset prayer (maghrib), and it is recommended to increase the supererogatory prayers therein.

All of this is not obligatory, rather it is in the way of the recommended.

و الالتفات في الصلاة و تشبيك أصابعه و
فرقتها و وضع يديه على خاصرته و إقعاؤه
و تغميض عينيه و وضع قدمه على أخرى
و تفكره بأمر دنيوي و حمل شيء بكمه أو
فمه و عبث بلحيته و المشهور في البسملة و
التعوذ الكراهة في الفريضة دون النافلة و
عن مالك قول بالإباحة و عن ابن مسleme
أنها مندوبة و عن ابن نافع وجوبها
فإن فعل شيئاً من المكروهات في صلاته كره
له ذلك و لا تبطل صلاته
و الله أعلم.

باب مندوبات الصلاة

و يستحب للمكلف أن يتنفل قبل الظهر و
بعدها و قبل العصر، و بعد المغرب و
يستحب الزيادة في النفل بعد المغرب و هذا
كله ليس بواجب و إنما هو على طريق
الاستحباب،

Also recommended are:

- (1) the midmorning prayers (duhā);
- (2) the tarāwīh;
- (3) the prayer of greeting the mosque;
- (4) the shaf'i —the least of which is two rak'as;
- (5) and the witr which follows it and is a confirmed sunna.

The recitation in the shaf'i and witr is audible.

For the shaf'i one recites in the first rak'a: the Mother of the Book (Sura 1 al-Fātiha) and “*Sabbi-hisma rabbikal- 'a' lā..*” (Sura 87 Al-A' lā)

And in the second: the Mother of the Book and “*Qul yā ayyuhal-kāfirūn*” (Sura 109 Al-Kāfirūn).

And for witr one recites: the Mother of the Book, “*Qul huwa Llahu ahad*” (Sura 112 Al-Ikhlās) and the two sanctuaries (Sura 113 Al-Falaq & 114 Al-Nāss).

The two rak'a fajr-prayer (before the obligatory two rakas of subh) is among the highly encouraged acts (al-raghība), and some have said it is sunna. One recites only the Mother of the Book silently in both (rak'as).

And God knows best.

CHAPTER NINE: ON WHAT INVALIDATES THE RITUAL PRAYER

The prayer is invalidated by:

- (1) laughing deliberately or non-deliberately;
- (2) performing the prostration of forgetfulness for omitting a meritorious element;
- (3) deliberately adding a rak'a or prostration and the like of to the prayer (S: meaning an integral-act not a spoken-integral such as repeating Fātiha; for it does not invalidate the prayer according to the reliable position in the school);
- (4) drinking or eating;
- (5) deliberately speaking unless it is to correct the prayer, though it still invalidates when excessive not otherwise;
- (6) deliberately puffing (S: even if out of ignorance not forgetfully. This is in relation to panting through the mouth not the nose unless it is excessive);

و كذلك يستحب الضحى و التراويح و

تحية المسجد و الشفع و أقله ركعتان، و

الوتر ركعة بعده، و هو سنة مؤكدة

و القراءة في الشفع و الوتر جهرا

و يقرأ في الشفع في الركعة الأولى بأم القرآن

و سبح اسم ربك الأعلى، و في الثانية بأم

القرآن و قل يا أيها الكافرون،

و في الوتر بأم القرآن و قل هو الله أحد

و المعوذتين

و ركعتا الفجر من الرغائب و قيل من السنن

و يقرأ فيهما سرا بأم القرآن فقط

و الله أعلم.

باب مفسدات الصلاة

و تفسد الصلاة بالضحك عمدا أو سهوا

و بسجود السهو للفضيلة و بتعمد زيادة

ركعة أو سجدة أو نحو ذلك في الصلاة و

بالأكل و الشرب و بالكلام عمدا إلا

إصلاح الصلاة فتبطل بكثيره دون يسيره و

بالنفخ عمدا

- (7) nullifying ritual purity;
 (8) remembering a missed prayer (S: this is based on the premise that maintaining the order between a few missed prayers [meaning five or less prescribed prayers] and the present prayer is an obligation and condition for validity. However, the reliable position is that it is an obligation only and not a condition for the prayer's validity, hence it does not invalidate... As for maintaining the order between prescribed prayers that have shared times such as *dhur* and *`asr* or *maghrib* and *`isha*, it is an obligation and condition for validity.);
 (9) vomiting if deliberate;
 (10) forgetfully adding four rak`as to a four or three rak`a prayer, or adding two rak`as to a two rak`a prayer;
 (11) a latecomer's prostration with the imam who prostrated for forgetfulness before the salam or after the salam when a single rak`a was not performed with the imam;
 (12) omitting the before-the-salam prostration of forgetfulness when it was for the omission of three sunnas or more and much time elapses.
 And God knows best.

و بالحدث و ذكر الفائتة، و بالقيء إن تعمده
 و بزيادة أربع ركعات سهواً في الرباعية
 والثلاثية و بزيادة ركعتين في الثنائية و
 بسجود المسبوق مع الإمام للسهو قبلياً أو
 بعدياً إن لم يدرك معه ركعة و بترك السجود
 القبلي إن كان عن نقص ثلاث سنن و طال
 و الله أعلم.

CHAPTER TEN: ON THE PROSTRATION OF FORGETFULNESS

باب سجود السهو

PROSTRATING FOR AN OMISSION

The prostration of forgetfulness (*sujūd al-sahw*) is two prostrations performed *before* the Salam whenever one omits a confirmed sunna. It is followed by the Tashahhud and concluded with the Salam.

و سجود السهو سجدتان قبل سلامه إن نقص سنة مؤكدة بتشهد لهما و يسلم منهما

PROSTRATING FOR AN ADDITION

If one makes an addition, then he prostrates *after* his Salam.

و إن زاد سجد بعد سلامه

PROSTRATING FOR AN OMISSION & ADDITION

And if he makes an omission *and* addition then he prostrates *before* his Salam thus giving precedence to the side of the omission.

و إن نقص و زاد سجد قبل سلامه، لأنه يغلب جانب النقص على جانب الزيادة

There are three categories of the forgetful in prayer:

FORGETTING AN INTEGRAL

When one forgetfully omits an integral element belonging to the integrals of his prayer then he is not required to make the prostration of forgetfulness. Rather, he must bring it forth (meaning the omitted integral). If he does not remember to do so until after the Salam *and* (T: he leaves the Mosque or) much time elapses, then his prayer is invalid and must be repeated.

و الساهي في صلاته على ثلاثة أقسام

تارة يسهو عن نقص فرض من فرائض صلاته فلا يجبر بسجود السهو، و لابد من الإتيان به، و إن لم يذكر ذلك حتى سلم و طال بطلت صلاته و يتدئها

FORGETTING A MERITORIOUS ELEMENT

When one forgetfully omits something belonging to the meritorious elements of his prayer such as the Qunūt, or saying “*Rabana walak al-hamd*” or a single takbīr and so forth, then the prostration is not binding on him for such omissions. On the contrary, if he prostrates *before the salam* for any of this then his prayer is invalidated and must be repeated.

و تارة يسهو عن فضيلة من فضائل صلاته كالقنوت و (ربنا و لك الحمد) أو تكبيرة واحدة و شبه ذلك فلا سجود عليه في شيء من ذلك، و متى سجد لشيء من ذلك قبل سلامه بطلت صلاته و يتدئها

FORGETTING A SUNNA

When one forgetfully omits a sunna belonging to the sunnas of his prayer such as the *sura* after the Mother of the Book; two takbīrs; two Tashahhud (S: also one Tashahhud); or the sitting for each and so forth then he prostrates for this.

و تارة يسهو عن سنة من سنن صلاته كالسورة مع أم القرآن أو تكبيرتين أو التشهدين أو الجلوس لهما و ما أشبه ذلك فيسجد لذلك

The *after-the-salam* prostration is not missed if forgotten. One performs it even if remembered a month after the prayer.

و لا يفوت السجود البعدي بالنسيان و يسجد و لو ذكره بعد شهر من صلاته

If one makes the *after-the-salam* prostration in advance or the *before-the-salam* prostration afterward then it is valid and does not invalidate the prayer according to the *mashūr* of the school.

و لو قدم السجود البعدي أو آخر السجود القبلي أجزاء ذلك و لا تبطل صلاته على المشهور

If one does not know whether he prayed three or two rakas then he builds on the lesser and performs whatever he was uncertain of and then prostrates after his salam.

و من لم يدر ما صلى ثلاثاً أو اثنين فإنه يبني على الأقل و يأتي بما شك فيه و يسجد بعد سلامه

And God knows best.

و الله أعلم.

CHAPTER ELEVEN: ON THE IMAM AND THE GROUP PRAYER

باب في الإمامة

CONDITIONS OF VALIDITY FOR LEADING THE PRAYER

Among the conditions for validity of leading others in the ritual prayer is that the imam be:

- (a) male;
- (b) Muslim;
- (c) sane;
- (d) pubescent;
- (e) and learned in that without which the prayer is not valid; such as recitation and jurisprudence.

و من شروط الإمام:
أن يكون ذكراً مسلماً عاقلاً بالغاً عالماً بما لا تصح الصلاة إلا به من قراءة وفقه

If one follows an imam in prayer and then discovers that he is: a disbeliever; a woman; a hermaphrodite; insane; corrupted by way of an outward abomination (S: the reliable position is that the prayer behind him is valid though offensive); a child that is not yet pubescent; or someone deliberately in a state of ritual impurity, then his prayer is invalid and repeating it is obligatory.

فإن اقتديت بإمام ثم بين لك أنه كافر أو امرأة أو خنثى مشكل أو مجنون أو فاسق بجارحة أو صبي لم يبلغ الحلم أو محدث تعمده الحدث بطلت صلاتك و وجبت عليك الإعادة،

THE OFFENSIVENESS OF LEADING WHEN THE FOLLOWER IS WELL

It is recommended that the imam have wellness in his limbs.

و يستحب سلامة الأعضاء للإمام

There is offensiveness in the imamate of someone with:

- (1) an amputated limb;
- (2) paralysis (S: the reliable position is that it is not offensive for either to be imam. And it is offensive for one who has made a dry ablution to lead one who has made wudu

و تكره :
إمامة الأقطوع و الأششل

and for the one who has wiped over a bandage to lead one who's wudu is complete. However, it is not offensive for one who has wiped over *khuffs* to lead one who has not wiped.)

(3) chronic emission;

(4) or wounds;

when it involves leading someone who is well.

And the imamate of someone who is disliked (S: for a religious reason not a worldly reason) is offensive.

LEADING THE PRESCRIBED PRAYERS AS THE REGULAR IMAM (RATIB)
MAY BE OFFENSIVE

It is also offensive for someone:

(1) castrated;

(2) uncircumcised (S: The reliable position is that it is offensive in all circumstances whether he is a regular imam or not);

(3) effeminate;

(4) anonymous;

(5) born out of wedlock;

(6) or a slave,

(7) to lead others in the prescribed prayers as the regular imam (rātib), contrary to the supererogatory prayers; there is no offensiveness for any of the above to lead therein.

WHO IS PERMITTED TO LEAD

The imamate is permitted for:

(1) a blind person;

(2) someone differing in scholarly jurisprudence;

(3) someone with abnormally small male genitals;

(4) or someone with leprosy unless the leprosy is severe and harms those behind him causing them to flee.

It is permitted for the follower to be elevated above his imam even if on the roof of a building. Though it is not permissible for the imam to be elevated above his follower save by an insignificant amount such as a hand span. If the elevation of the imam or follower is motivated by pride then his prayer is invalidated (S: The reliable position is that it is valid though prohibited.)

CONDITIONS OF FOLLOWING

Among the conditions for following is:

(a) that one makes an intention to follow his imam. (S: Also:

(b) that the prayer is the exact same prayer as the imam in terms of form and time. Hence, it is not valid for example, to pray dhur behind `asr or a regular performance behind a make up prayer, or the dhur of Saturday behind Sunday's dhur;

و صاحب السلس، و من به قروح
للصحيح و إمامة من يكره،

و يكره:

للخصمي، و الأغلف و المأبون
و مجهول الحال و ولد الزنا و العبد في الفريضة
أن يكون إماما راتبا بخلاف النافلة فإنها لا
تكره بواحد منهم

و تجوز إمامة الأعمى، و المخالف في الفروع و
العنين و المجذم إلا أن يشتد جذامه و يضر بمن
خلفه فينحّي عنهم

و يجوز علو المأموم على إمامه و لو بسطح و
لا يجوز للإمام العلو على مأمومه إلا بالشيء
اليسير كالشبر و نحوه و إن قصد الإمام أو
المأموم بعلوه الكبر بطلت صلاته.

و من شروط المأموم: أن ينوي الإقتداء بإمامه

- (c) that one not follow someone who has prayed a raka or more with the imam...;
 (d) and that one not precede the imam in the takbīr or Salam.)

CONDITIONS OF LEADING

And it is not a condition for the imam to intend the imamate except in four situations:

- (a) the Friday prayer;
- (b) joining prayers;
- (c) the prayer of peril;
- (d) and when the imam's successor leads.

Some have also added "(to acquire) the merit of the Group Prayer", however it is a point over which there is scholarly difference.

و لا يشترط في حق الإمام أن ينوي الإمامة إلا في أربع مسائل في: صلاة الجمعة، وصلاة الجمع و صلاة الخوف و صلاة الاستخلاف و زاد بعضهم فضل الجماعة على الخلاف في ذلك

WHO SHOULD LEAD THE PRAYER

It is recommended for the sultan to have the imamate in the prayer and then:

- (1) the householder;
- (2) then the renter over the owner;
- (3) then the most learned in jurisprudence;
- (4) then the most learned in hadīth;
- (5) then the most learned in recitation;
- (6) then the most in worship;
- (7) then the eldest in Islam;
- (8) then the noblest in lineage;
- (9) then the most handsome;
- (10) then the best in character;
- (11) and then the best dressed.

ويستحب تقديم السلطان في الإمامة، ثم رب المنزل ثم المستأجر يقدم على المالك ثم الزائد في الفقه ثم الزائد في الحديث ثم الزائد في القراءة ثم الزائد في العبادة ثم المسن في الإسلام ثم ذو النسب، ثم جميل الخلق ثم حسن الخلق ثم حسن اللباس،

Whoever has the right to take the imamate and yet falls short in its preference such as the householder who is a slave, a woman or someone not learned for example, then it is recommended for him to appoint one who is more learned than he.

And God knows best.

و من كان له حق في التقديم في الإمامة و نقص عن درجتها كرب الدار إن كان عبدا أو امرأة أو غير عالم مثلاً فإنه يستحب له أن يستنيب من هو أعلم منه و الله أعلم.

CHAPTER TWELVE: ON THE FRIDAY PRAYER

باب صلاة الجمعة

The Friday Prayer is a personal obligation. It has conditions of obligation and integrals (S: meaning conditions for validity), etiquettes and reasons that excuse one from attending it.

و صلاة الجمعة فرض على الأعيان و لها شروط وجوب و أركان و آداب و أعذار تبيح التخلف عنها،

WHO MUST ATTEND THE FRIDAY PRAYER

As for the conditions of it being obligatory, they are seven:

- (1) Islam;
- (2) pubescence;
- (3) sanity;
- (4) being male;
- (5) free (not a bondsman);
- (6) a non-traveler;
- (7) and well being.

فأما شروط وجوبها فسبعة:
الإسلام و البلوغ و العقل و الذكورية و الحرية و الإقامة و الصحة.

CONDITIONS FOR ITS VALIDITY

و أما أركانها فخمسة:

As for its integrals, they are five:

(a) The Mosque

It is that which functions as a *Jam`i* (the building that congregates people specifically for it).

الأول المسجد الذي يكون جامعا
الثاني الجماعة و ليس لهم حد عند مالك بل لا بد أن تكون جماعة تتفرق بهم قرية، و رجع بعض أئمتنا أنها تجوز باثني عشر رجلا باقين لسلامها،

(b) The Congregation

Though the amount of persons is without specification according to Malik, it must nevertheless be a congregation that is delimited by a rural community. Some of our imams have given preponderance to the position that it is valid when twelve men remain until its closing Salam.

الثالث الخطبة الأولى و هي ركن على الصحيح، و كذلك الخطبة الثانية على المشهور، و لا بد أن تكون بعد الزوال و قبل الصلاة و ليس في الخطبة حد عند مالك أيضا ولا بد أن تكون مما تسميه العرب خطبة و يستحب الطهارة فيهما، و في وجوب القيام لهما تردد،

(c) The First Sermon

It is an integral according to the authenticated (*sahīh*) position as is the second sermon according to the *mashūr*. It must take place after zenith and before the prayer. According to Malik, the sermon is also without specification although it must be within the limits of what the Arabs term to be a *sermon*. Having ritual purity for both is recommended. As for standing in both, it is obligatory notwithstanding some scholarly indecision.

الرابع الإمام، و من صفته أن يكون ممن تجب عليه الجمعة احترازا من الصبي و المسافر و غيرها ممن لم تجب عليهم، و يشترط أن يكون المصلي بالجماعة هو الخاطب إلا لعذر يمنعه من ذلك من مرض أو جنون أو نحو ذلك

(d) The Imam

Among his characteristics is that he be someone for whom the Friday Prayer is obligatory which excludes the child, the traveler and anyone else for whom it is not obligatory. It is a condition that the one leading the congregation in prayer is at once the orator (*al-khātib*) unless there is an excuse preventing him from it, such as an illness, insanity, and the like thereof.

If it is a momentary excuse, then it is obligatory to wait for him according to the authenticated position.

(e) The Residential Area

The Friday Prayer is not established except in an inhabited district. It must be within a locality in which settling is possible whether it be a city or village.

ETIQUETTES OF THE FRIDAY PRAYER

As for the etiquettes of the Friday Prayer they are eight:

(1) The Purificatory Bath.

It is sunna according to the majority. And among its conditions is that it come connected with one's departure. Hence, were one to wash and then become occupied with eating or sleeping, then he should repeat the Purificatory Bath according to the *Mashūr*.

(2) Brushing the teeth.

(3) Cutting the hair.

(4) Clipping the nails.

(5) Refraining from things which offensive odors emerge from.

(6) Beautifying oneself with fine clothes.

(7) Perfuming oneself.

(8) Walking to it without riding unless there is an excuse preventing him from that.

WHEN ONE IS PARDONED FROM ATTENDING THE FRIDAY PRAYER

As for the excuses that permit one to neglect it, they are:

(1) Heavy rains;

(2) Significantly muddied routes;

(3) When the odor of someone with leprosy may offend the congregation;

(4) Illness;

(5) Nursing, for instance when one finds it necessary to neglect it (meaning, the Friday Prayer) in order to nurse a family member who is ill when no other caregiver is available such as one's wife, child or parent (S: The reliable position, however, is that it is permissible to neglect it to nurse a relative or someone like a relative such as one's dear friend or sheikh in severe cases even if there is someone else to care for him. As for one who is not a friend nor of one's kin, it is permissible to nurse him when no one else is available and when his life may be in jeopardy);

(6) When one's relative or brethren is near death. As to someone who misses the Friday Prayer in order to tend to one of his dying brethren, Malik said, "there is no harm in it";

(7) When one fears: being attacked by a tyrant; imprisoned; or the theft of his property;

و يجب انتظاره للعذر القريب على الأصح

الخامس موضع الاستيطان فلا تقام الجمعة إلا

في موضع يستوطن فيه، و يكون محلا للإقامة
يمكن المثوى فيه بلدا كان أو قرية.

و أما آداب الجمعة فثمانية:

الأول الغسل لها و هو سنة عند الجمهور، و
من شروطه أن يكون متصلا بالرواح فإن
اغتسل و اشتغل بغداء أو نوم أعاد الغسل
على المشهور،

الثاني السواك، الثالث حلق الشعر، الرابع تقليم
الأظافر، الخامس تجنب ما يتولد منه الرائحة
الكريهة، السادس التحمل بالثياب الحسنة،
السابع التطيب لها، الثامن المشي لها دون
الركوب إلا لعذر يمنعه من ذلك،

و أما الأعذار المبيحة للتخلف عنها فمن ذلك
المطر الشديد و الوحل الكثير و المجذم الذي
تضر رائحته بالجماعة و المرض و التمريض بان
يكون عنده أحد من أهله مريضا كالزوجة و
الولد و أحد الأبوين و ليس عنده من يعوله
فيحتاج إلى التخلف لتمريره، من ذلك إذا
احتضر أحد من أقاربه أو إخوانه قال مالك في
الرجل يهلك يوم الجمعة فيتخلف عنده رجل
من إخوانه ينظر في شأنه لا بأس بذلك و منها
لو خاف على نفسه من ضرب ظالم أو حبسه
و أخذ ماله،

(8) When someone bankrupt fears that his debtor may cause his imprisonment —according to the authenticated position;

(9) When one is blind and has no guide. But it is not permissible for him to neglect it when a guide is available or if he is someone capable of making it to the Jām'i without a guide.

وكذلك المعسر يخاف أن يجبسه غريمه على الأصح، و من ذلك الأعمى الذي لا قائد له أما لو كان له قائد، أو كان ممن يهتدي للجامع بلا قائد فلا يجوز له التخلف عنها

PROHIBITED MATTERS OF THE FRIDAY PRAYER

The following is prohibited:

(1) Traveling at the time of the sun's zenith on Friday if the Friday Prayer is obligatory for one;

(2) Speaking or praying a supererogatory prayer when the imam is giving the sermon, whether it be the first or second. One must rather sit without praying unless he was in prayer before the imam's entry in which case he completes it.

(3) Buying and selling at the time of the second call to the prayer. If it occurs, then the sale is invalid.

و يحرم السفر عند الزوال من يوم الجمعة على من تجب عليه الجمعة، وكذلك يحرم عليه الكلام و النافلة و الإمام يخطب سواء كان في الخطبة الأولى، أو الثانية و يجلس الرجل و لا يصلي إلا أن يكون تلبس بنفل قبل دخول الإمام فيتم ذلك و يحرم البيع و الشراء عند الأذان الثاني و يفسخ إن وقع و يكره ترك العمل يوم الجمعة،

OFFENSIVE MATTERS OF THE FRIDAY PRAYER

The following is offensive:

- (1) Abandoning work Friday;
 - (2) The imam's performance of supererogatory prayers before the sermon;
 - (3) Performing supererogatory prayers upon the first call to prayer for one who is sitting;
 - (4) The attendance of a young woman for the Friday Prayer;
 - (5) and traveling after dawn.
- And God knows best.

و تنفل الإمام قبل الخطبة و كذلك يكره للجالس أن يتنفل عند الأذان الأول و يكره حضور الشابة للجمعة و كذلك السفر بعد الفجر و الله أعلم.

CHAPTER THIRTEEN: ON THE FUNERAL PRAYER

باب صلاة الجنابة

INTEGRALS OF THE FUNERAL PRAYER

The Funeral Prayer is a communal obligation. Its integrals are four (S: Actually, they are five according to the reliable position. The fifth integral is standing for it. He did not mention it since there is scholarly difference about it):

- (a) the intention;
- (b) four takbīrs;
- (c) supplicating between them;
- (d) and the salam.

THE SUPPLICATION

One supplicates with whatever is easy for him, though Ibn Abi Zaid in his *Risala* prefers the following:

“Al-hamdu liLlāhil-ladhi amāta wa ah’ya. Wal-hamdu liLlāhil-ladhi yuh yil-mawtā lahu-`a dhamatu wal-kibryā’u wal-mulku wal-qudratu wassanā’u, wa huwa `alā kulli shayin qadīr.

Allāhumma sali `ala Muhammadin wa `alā āli Muhammadin. Wa bārik `alā Muhammadin wa `alā āli Muhammadin kamā sallayta wa rahimta wa bārakta `alā Ibrāhima wa `alā āli Ibrāhima fil-`ālamina innaka hamīdun majīd.

Allāhumma innahu `abduka, wabnu `abdika, wabnu amatika, anta khalaqtahu, wa anta razaqta hu, anta amatta hu, wa anta tuhyī hi, wa anta ‘a` lamu bi sirrihi wa `alāniyati hi, ji`nā shufa`ā ‘a lahu, fa shaff`i nā fīhi.

Allāhumma innā nastajīru bi habli jiwārika lahu, innaka dhu wafā in wa dhimmatin.

Allāhumma qih min fitnatil-qabr, wa min `adhābi jahannam.

Allāhummagh firlahu, war hamhu, wa`fu `anhu, wa `ā fīhi, wa ‘akrim nuzu lahu, wa wassi` mad khalahu, wagh silhu bimā ‘in wa thaljin wa baradin, wa naqqi hi minadh dhunūbi wal khatāya, kama yunaqqath thawbul-abyadu minaddanis. Wa abdil hu dāran khayran min dārihi, ahlan khayran min ahlihi, wa zawjan khayran min zawjihi.

و صلاة الجنابة فرض على الكفاية و أركانها أربعة: النية و أربع تكبيرات و الدعاء بينهما و السلام و يدعو بما يتيسر

و استحسّن ابن أبي زيد في رسالته أن يقول:
الحمد لله الذي أَمَات و أَحْيَا والحمد لله الذي يحيي الموتى له العظمة و الكبرياء و الملك و القدرة و الثناء و هو على كل شيء قدير،
اللهم صل على محمد وعلى آل محمد وبارك على محمد وعلى آل محمد، كما صليت و رحمت وباركت على إبراهيم وعلى آل إبراهيم ،
في العالمين إنك حميد مجيد،
اللهم إنه عبدك وابن عبدك وابن أمتك أنت خلقتهم ورزقتهم، وأنت أمتهم وأنت تحييهم وأنت أعلم بسرهم وعلايتهم جئناك شفعا له فشفعنا فيه،
اللهم إنا نستجير بجبل جوارك له إنك ذو وفاء و ذمة

اللهم قه من فتنة القبر و من عذاب جهنم،
اللهم اغفر له و ارحمه و اعف عنه، و عافه، و أكرم نزله و وسع مدخله و اغسله بماء و ثلج و برد و نقه من الذنوب و الخطايا، كما ينقى الثوب الأبيض من الدنس و أبدله دارا خيرا من داره، و أهلا خيرا من أهله و زوجا خيرا من زوجته،

Allāhumma in kāna muhsinan fazid fī 'ihsānihi, wa in kāna musī'an fatajāwaz `an sayyi `ātihi.

Allāhumma innahu qad nazala bika wa anta khayru manzūlin bi hi, faqīrun ilā rahmatik wa anta ghaniyyun `an `adhābihi.

Allāhumma thabbit `indal-masalati mantiqahu, wa lā tabtalihi fī qabrihi bi mā lā tāqata lahu bihi. Wa `alhiqhu bi nabiyyihi Muhammadin sallaLlāhu `alayhi wa sallam.

Allāhumma lā tahrīmā ajrahu wa lā taftinnā ba`dahu.”

One says this after every *takbīr*.

THE SUPPLICATION AFTER THE LAST TAKBIR

Then after the fourth (*takbīr*) one says:

“Allāhummaghfir li-hayinā wa mayyitinā, wa hādirinā wa ghā `ibinā, wa saghirinā wa kabīrinā, wa dhakarinā wa unthānā, innaka ta`lamu mutaqlibanā wa mathwānā, waghfir lanā wa liwālidayna wa laman sabaqana bil-`imāni maghfiratan `azman, wa lil-muslimīn wal-muslimāt, wal-mu`minīna wal-mu`mināt, al-`ahyā`i minhum wal-`amwāt.

Allāhumma man `ahyaytahu minnā fa `ah yīhi `alal-`imān, wa man tawaffaytahu minnā fatawaffahu `alal-islām. Wa as`idnā bi liqā`ika, wa tayyibna lil-mawti wa tayyibhu lanā. Waj`al fihi rāhatanā wa masarratana.”

Then one gives the *salam*.

THE SUPPLICATION FOR A DECEASED FEMALE

If the prayer be for a woman then one says:
“Allāhumma innahā amatuka...” and continues referring to her in the feminine pronoun. But one does not say *“wa abdilhā zawjan khayran min zawjiha”* (and substitute for her a husband better than her husband) since in paradise she may be the wife of her spouse in this world. For the women of paradise are exclusively for their husbands desiring not a substitution in their place.

اللهم إن كان محسنا فزد في إحسانه و إن كان مسيئا فتجاوز عن سيئاته،

اللهم إنه قد نزل بك و أنت خير منزل به فقير إلى رحمتك، و أنت غني عن عذابه،

اللهم ثبت عند المسألة منطقته، و لا تبتهل في قبره بما لا طاقة له به، و ألحقه بنبيه محمد صلى الله عليه و سلم،

اللهم لا تحرمنا أجره و لا تفتننا بعده.

تقول ذلك بأثر كل تكبيرة،

و تقول بعد الرابعة:

اللهم اغفر لحينا و ميتنا و حاضرنا و غائبنا و صغيرنا و كبيرنا و ذكرنا و أنثانا، إنك تعلم متقلبنا و مثوانا، و اغفر لنا و لوالدينا و من سبقنا بالإيمان مغفرة عزما و للمسلمين و المسلمات، و المؤمنين و المؤمنات، الأحياء منهم و الأموات

اللهم من أحييته منا فأحيه على الإيمان، و من توفيته منا فتوفه على الإسلام، و أسعدنا بلقائك و طيبنا للموت و طيبه لنا، و اجعل فيه راحتنا و مسرتنا،

ثم تسلم

و إن كانت الصلاة على امرأة قلت:

اللهم إنهما أمتك ثم تتمادي بذكرها على التأنيث، غير أنك لا تقول و أبدلها زوجا خيرا من زوجها لأنها قد تكون زوجا من الجنة لزوجها في الدنيا و نساء الجنة مقصورات على أزواجهن، لا يغيين بهم بدلا،

THE SUPPLICATION WHEN NOT KNOWING THE SEX OF THE DECEASED

If one attends a funeral prayer not knowing whether it is a male or female then he says:

“*Allāhumma innahā nasmātuka...*” continuing referring to it (*nasma* i.e. the soul) in the feminine pronoun since *nasma* includes male and female.

WHEN THE DECEASED IS A CHILD

If the prayer be for a child one says all the above, namely: the intention, the takbīrs, and the supplication. However, after praising God and invoking blessings and salutations upon the Prophet, Allah bless him and give peace, it is recommended to say:

Allāhumma innahu `abduka, wabnu `abdika, wabnu amatika, anta khalaqtahu, wa anta razaqta hu, anta amatta hu, wa anta tuhyī hi.

Allāhummaj`alhu liwālidayhi salafan wa dhukhran wa faratan wa ajran, wa thaqqil bihi mawāzīnahumā, wa `a`dhim bihi ujūrahumā, wa lā tahrīmā wa iyyāhumā ajrahu, wa lā taftinnā ba`dahu.

Allāhumma `alhiqhu bi sālihi salafil-mu`minīn fī kafālati Ibrāhīm. Wa abdil hu dāran khayran min dārihi, ahlān khayran min ahlihi, wa `āfihi min fitnatil-qabr, wa min `adhābi jahannam.

One says the above after every takbīr. And after the fourth one says:

“*Allāhummaghfir li-`aslāfīnā wa afrātinā wa liman sabaqanā bil-`īmān.*

Allāhumma man `ahyaytahu minnā fa `ah yīhi `alal-`īmān, wa man tawaffaytahu minnā fatawaffahu `alal-islām, waghfir lil-muslimīn wal-muslimāt, wal-mu`minīna wal-mu`mināt, al-`ahyā`i minhum wal-`amwāt.”

Then one gives the salam.

And God knows best.

و إن أدركت جنازة و لم تعلم أذكر هي أم أنثى قلت، اللهم إنها نسمة ثم تتمادى بذكرها على التأنيث لأن النسمة تشمل الذكر والأنثى،

و إن كانت الصلاة على طفل قلت ما تقدم من النية و التكبيرات و الدعاء، غير أنه يستحب أن تقول بعد الثناء على الله، و الصلاة على النبي صلى الله عليه و سلم:

اللهم إنه عبدك ابن عبدك أنت خلقتة و رزقته و أنت أمته و أنت تحييه، اللهم اجعل لوالديه سلفا و ذخرا وفرطا واجرا و ثقل به موازيننا وأعظم به أجورنا ولا تحرمنا وإياهما أجره ولا تفتنا وإياهما بعده اللهم ألحقه بصالح سلف المؤمنين في كفالة إبراهيم وأبدله ذارا خيرا من داره وأهلا خيرا من أهله وعافه من فتنة القبر ومن عذاب جهنم تقول ذلك باثر كل تكبيرة وتقول بعد الرابعة: اللهم اغفر لأسلافنا وأفرادنا ولمن سبقنا بالآيمان

اللهم من أحيتته منا فاحيه على الآيمان ومن توفيته منا فتوفه على الإسلام واغفر للمسلمين والمسلمات والمؤمنين والمؤمنات الأحياء منهم والاموات ثم تسلم. والله اعلم .

CHAPTER FOURTEEN: ON THE FAST

باب الصيام

ESTABLISHING THE MONTH OF RAMADAN

Fasting Ramadan is obligatory and commences:
 (1) when Sha`ban is completed;
 (2) or when the crescent moon is sighted by two upright persons or by a significant number of people.
 The same applies to ending the fast.

وصوم رمضان فريضة يثبت بكمال شعبان أو
 برؤية عدلين لهلال أو جماعة مستفيضة وكذلك
 في الفطر

THE INTENTION

The intention to fast (Ramadan) is made on its first night and one does not have to intend it thereafter on the nights that remain. The fast is kept until nightfall.

ويبيت الصيام في اوله وليس عليه البيات في
 بقيته ويتم الصيام الى الليل

Hastening the breakfast and delaying the pre-dawn meal is from the sunna.

ومن السنة تعجيل الفطر وتأخير السحور

If the month is established before dawn then ritual fasting is prescribed. Whereas if it is established only after dawn then mere refraining (from that which breaks the fast) is obligatory and the day must be made up for.

وحيث ثبت الشهر قبل الفجر وجب الصوم
 وإن لم يثبت إلا بعد الفجر وجب الامساك
 ولا بد من قضاء ذلك اليوم

Making the intention to fast before the month is established is not valid. It is not valid even if one had made an intention before the sighting, started the morning without eating or drinking and then discovered that the day was Ramadan. Nevertheless, he must continue to refrain from eating and drinking during it (i.e. that day) for the sanctity of the month. Then he must make it up.

والنية قبل ثبوت الشهر باطله حتى لو نوى قبل
 الرؤية ثم أصبح لم يأكل ولم يشرب ثم تبين له
 أن ذلك اليوم من رمضان لم يجزه ويمسك عن
 الاكل والشرب فيه لحرمه الشهر ويقضيه

THE DAY OF UNCERTAINTY

The day of uncertainty must not be ritually fasted out of a precautionary measure that it may be Ramadan. Although when a supererogatory fast or a fast to fulfill vow coincides with it then it is permitted. It is recommended to refrain during the first part of its day until the sighting is realized by the people. When daytime ends (S: meaning the portion of the day in which sightings are commonly established) and the sighting is still not evident then the people must break the fast.

ولا يصام يوم الشك ليحتاط به من رمضان
 ويجوز صيامه للتطوع والنذر اذا صادف
 ويستحب الامساك وفي أوله ليتحقق الناس
 الرؤية فإن ارتفع النهار ولم تظهر رؤية أفطر
 الناس

THINGS THAT DO NOT INVALIDATE THE FAST

The fast is not invalidated when one is overcome by vomiting unless he is able to treat it, in which case making it up is obligatory. Nor is it invalidated by a wet dream or cupping though it is offensive for an ill person to do so if it will weaken him (such that he is no longer able to fast).

CONDITION OF VALIDITY

The conditions of the fast's validity are:

(a) The Intention

It precedes dawn whether it be an obligatory or a supererogatory fast. A single intention is sufficient for every fast in which consecutiveness is obligatory such as the fast of Ramadan, the fast of expiation for *dhihār* and manslaughter, and making a vow in which a legally responsible person prescribed it [meaning consecutiveness] upon himself. As for a fasting continuously [s: meaning fasting one day after another not due to a vow] or fasting specified days, one must have an intention upon retiring each night;

(b) The ceasing of menstrual or postnatal bleeding.

If menstruation or post-natal bleeding ceases even an instance before dawn then fasting that day is obligatory even if she does not perform a purificatory bath until after dawn;

The intention is repeated if consecutiveness is interrupted by illness, menstruation, postnatal period, and the like of.

(c) Sanity

The fast of someone who does not possess intellect, such as someone insane or unconsciousness, is not valid during such a state. And it is obligatory for someone insane to make up what he missed of the fast due to insanity when his sanity returns even it is after many years. The same applies to someone who was unconscious.

(d) Refraining from sexual intercourse, food and drink.

MAKING UP MISSED FAST-DAYS (QADA) WITH THE EXPIATION (KAFFARA)

Whoever deliberately indulges in anyone of the above during the day of Ramadan—not due to a reasonable pseudo-justification (*ta'wīl qarīb*) nor ignorance—must make up that day and perform the expiation.

ولا يفطر من ذرعه قيء إلا أن يعالج خروجه
فعليه القضاء ولا يفطر من احتلم ولا من
احتجم وتكره الحجامه للمريض خيفة لتغير

ومن شروط صحة الصوم:

النية السابقة للفجر سواء كان فرضاً أو نفلاً
والنية الواحدة كافية في كل صوم يجب تتابعه
كصيام كفارة الظهار والقتل والنذر الذي
أوجبه المكلف على نفسه وأما الصيام المسرود
واليوم المعين فلا بد من التثبيت فيه كل ليلة

ومن شروط صحة الصوم النقاء من دم الحيض
والنفاس فإن انقطع دم الحيض والنفاس قبل
الفجر ولو بلحظة وجب عليها صوم ذلك
اليوم ولو لم يغتسل إلا بعد الفجر

النية إذا انقطع التتابع بالمرض والحيض والنفاس
وشبه ذلك

ومن شروط صحة الصوم العقل فمن لا عقل
له كالمجنون والمغمي عليه لا يصح منه الصوم في
تلك الحالة ويجب على المجنون إذا عاد إليه
عقله ولو بعد سنين كثيرة أن يقضى ما فاتته من
الصوم في حال جنونه ومثله المغمي عليه إذا
أفاق

ومن شروط صحة الصوم ترك الجماع والأكل
والشرب

فمن فعل في نهار رمضان شيئاً من ذلك
متعمداً من غير تأويل قريب ولا جهل فعليه
القضاء والكفارة

The expiation for this is:

- (1) to feed sixty poor persons a *mudd* (.51 liters) of food, each of them receiving a *mudd* of the Prophet (Allah bless him and give him peace), and this is superior;
- (2) or to free a believing bondswoman;
- (3) or to fast two consecutive months.

والكفارة في ذلك كله اطعام ستين مسكينا مدا لكل مسكين بمد النبي صلى الله عليه وسلم وهو أفضل وله ان يكفر بعق رقبة مؤمنة او بصيام شهرين متتابعين

MAKING UP MISSED FAST-DAYS (QADA) WITHOUT EXPIATION

Whenever something reaches the throat through other than the mouth, such as through the ear, nose and the like thereof, even if the substance is smoke, then making it up alone is obligatory. The same pertains to:

(1) phlegm [reaching the throat] when one could have spit it out (S: This is weak. Actually, it does not invalidate the fast even if one is able to spit it out. Also one's fast is not invalidated by swallowing saliva collected in the mouth nor swallowing something that was stuck between the teeth.);

(2) involuntary intake [of water] when rinsing the mouth or brushing the teeth (S: Or inhaling water through the nose);

(3) anything that reaches the stomach even if it be medicine through an injection of some sort (S: This is reference to medicine that is taken through the anal passage.);

(4) and someone who eats after having doubt about dawn (S: given that it remains unclear whether one ate before dawn. Otherwise, [i.e. if it is clear that one ate before dawn] there is no make up. The same applies to sunset. If dawn commences whilst one is eating, drinking or copulating and then he refrains immediately, then there is no make up. However, if he continues momentarily and willfully then there is a make up and expiation).

وما وصل من غير الفم الى الحلق من اذن أو انف أو نحو ذلك ولو كان بخورا فعليه القضاء فقط ومثله البلغم الممكن طرحه والغالب من المضمضة والسواك وكل ما وصل الى المعدة ولو بالحقنة المائعة وكذا من أكل بعد شكه في الفجر ليس عليه في جميع ذلك إلا القضاء

Making up the day alone is obligatory in all of the above situations.

THINGS THAT DO NOT INVALIDATE THE FAST

Making up the day is not required by the involuntary intake of a fly, dust from the road, flour, grains of plaster for one who produces it. Nor is it invalidated by a substance reaching one through the penis or through a wound into the body cavity.

ولا يلزمه القضاء في غالب من ذباب أو غبار طريق أو دقيق أو كيل حبس لصانعه ولا في حقنة من إحليل ولا في دهن جائفة

It is permissible for someone fasting to:

- (1) use a tooth-stick during the entire day;
- (2) rinse the mouth out of thirst;
- (3) and to enter into the morning while in a state of major ritual impurity.

ويجوز للصائم السواك في جميع نهاره والمضمضة للعطش والاصباح من الجنابة

MAKING UP MISSED FAST-DAYS (QADA) & THE PENALTY (FIDYA)

When a pregnant woman fears for what is her womb (S: or for herself) she forgoes the fast without feeding a poor person [i.e. the penalty or *fidya*] (S: This is the reliable position), though some hold that she must feed.

والحامل إذا خافت على ما في بطنها أفطرت
ولم تطعم وقد قيل تطعم

THOSE WHO MUST FEED FOR MISSING FAST-DAYS

(1) When a nursing woman fears for her child and can find no one to hire to nurse the child (S: or if she finds someone but has not the means to hire) or if the child will not suckle from anyone besides her, she forgoes the fast and feeds a poor person (S: This is obligatory). The same applies to:

والمرضع إذا خافت على ولدها ولم تجد من
تستأجره له أو لم يقبل غيرها أفطرت وأطعمت
وكذلك الشيخ الهرم يطعم إذا أفطر ومثله من
فرط في قضاء رمضان حتى دخل عليه رمضان
آخر

(2) the elderly who cannot bear the fast (S: feeding is recommended);

(3) and one who delays making up a missed fast-day of Ramadan until the next Ramadan begins (S: feeding here is obligatory).

The feeding for each of the above consists of giving (S: a single) *mudd* (.51 liters) of food (S: to one poor person, *miskīn*) for each missed fast-day that one makes up (S: this excludes the elderly who cannot bear the fast; he does not make up the fast).

والإطعام في هذا كله مد عن كل يوم يقضيه

RECOMMENDED MEASURES WHILE FASTING

It is recommended for one who is fasting to:

- (1) refrain from excess speech;
- (2) hasten in making up what is binding upon him in regards to the fast;
- (3) and to make it up consecutively.

يستحب للصائم كف لسانه تعجيل قضاء ما
في ذمته من الصوم وتتابعه

DAYS ON WHICH FASTING IS RECOMMENDED

It is recommended to fast:

- (1) the Day of Arafāt for non-pilgrims;
- (2) the ten days of Dhul-Hijjah (S: meaning the nine days which are before Eid);
- (3) Al-Muharram;
- (4) Rajab;
- (5) Sha`bān;
- (6) and three days of each lunar month.

ويستحب صوم يوم عرفة لغير الحاج وصوم
عشر ذي الحجة والحرم ورجب وشعبان وثلاثة
أيام من كل شهر

DAYS ON WHICH FASTING IS OFFENSIVE

Malik considered it offensive to make the three fast days of each lunar month the White Nights in order to avoid exclusivity (S: they are the nights that are lit by the moon; the night of the 13th, 14th & 15th).

وكره مالك أن تكون البيض لفراره من
التحديد

He also held it offensive to fast the six days of Shawwāl fearing that the ignorant would join them with Ramadan. (S: The context of the offensiveness is when one fast the six days connecting it with Eid making them consecutive and being public in it while being a leader before others. Otherwise, there is no offensiveness in it. On the contrary, it is recommended.)

وكذا كره صيام ستة من شوال مخافة ان يلحقها
الجاهل برمضان

THINGS UNLAWFUL OR OFFENSIVE WHILE FASTING

The following things are offensive for one who is fasting:

(1) Tasting food for salt;

If one does so and rinses the mouth allowing nothing of it to reach the throat then it is of no consequence.

(2) foreplay such as kissing, caressing and fondling;

(3) looking continually at something that arouses one (S: Rather, even if it is not continuous...if one emits ejaculatory fluid due to looking willfully then making up the day is obligatory and there is no expiation according to the reliable position. Whereas the expiation is included when the looking was continuous.) ;

(4) or making playfully body contact if one knows he will be safe from emitting sexual fluids, otherwise it is unlawful. And if *pre*-ejaculatory fluid is emitted then making up the fast alone is obligatory. Whereas if ejaculatory fluid is emitted then making up the fast and the expiation is obligatory.

ويكره ذوق الملح للصيام فان فعل ذلك ومجه
ولم يصل الى حلقه منه شيء فلا شيء عليه
ومقدمات الجماع مكروهة للصائم كالقبلة
والجسة والنظر المستدام والملاعبة إن علمت
السلامة من ذلك وإلا حرم عليه ذلك لكنه
إن أمذى من ذلك فعليه القضاء والكفارة

Standing in prayer the nights of Ramadan is recommended and strongly encouraged. The Messenger of God (Allah bless him and give him peace) said: “Whoever stands in prayer for Ramadan in conviction and sincerity his past sins are forgiven for.”

وقيام رمضان مستحب مرغّب فيه قال رسول
الله صلى الله عليه وسلم من قام رمضان إيماناً
واحتراساً غفر له ما تقدم من ذنبه

It is recommended to stand alone for it at home providing it does not lead to its termination in the Mosques.

ويستحب الانفراد به إن لم تعطل المساجد
والله أعلم .

And God Transcendent is He knows best.

Completed by this needy servant Ramzy Ajem on Tuesday
the 5th of Rabial-Awwal 1427 (April 4, 2006).